

Message

**From:** McGill, Thomas [McGill.Thomas@epa.gov]  
**Sent:** 12/9/2020 10:16:23 PM  
**To:** Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Pugh, Katherine [Pugh.Katherine@epa.gov]  
**Subject:** RE: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

For context regarding the Corps' perspective - the Corps thinks the EPA should define what is and what is not Indian County as part of our consultation with the Tribe for leased lands, Big Cypress, etc. **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

**From:** McGill, Thomas  
**Sent:** Wednesday, December 9, 2020 5:09 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>  
**Subject:** RE: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

I can offer some information, and I'm looping-in Katie as she can weigh-in on this too. Shawn Zinszer of the Corps contacted me and asked if they could help facilitate EPA's consultation with the Miccosukee Tribe, as they indicated the Tribe made that request to them. After speaking with Katie I told Shawn that I wasn't aware of the Miccosukee making such a request to EPA and that we saw no reason to engage another agency in our Govt-Govt consultation with the Tribe. I participated in a call with the Corps today, and while we discussed having a Corps-EPA meeting after Dec 17, the issue of a 3-way meeting with the Tribe did not come up.

**From:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Sent:** Wednesday, December 9, 2020 4:55 PM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>  
**Subject:** FW: Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

I am not sure what she is asking for, because we met with them a second time. Can someone check in with them....she is their atty.

jmg

**From:** Jeanine Bennett <JeanineB@miccosukeetribe.com>  
**Sent:** Wednesday, December 9, 2020 4:11 PM  
**To:** Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Shawn.H.Zinszer@usace.army.mil  
**Cc:** Thomas, Cynthia G (Cindy) CIV USARMY CESAJ (USA) <Cynthia.G.Thomas@usace.army.mil>; kevind@miccosukeetribe.com; Gene Duncan <GeneD@miccosukeetribe.com>; Craig van der Heiden <CraigV@miccosukeetribe.com>; Amy Castaneda <AmyC@miccosukeetribe.com>  
**Subject:** Request for Government-to-Government Consultation EPA and USACOE- State of Florida 404 Assumption

Jeaneanne,

I have been informed that I will need to make this formal request for further consultation with the EPA and the US Army Corps of Engineers regarding the State of Florida's Assumption of 404 Permitting. The Miccosukee made this request verbally during our annual meeting wherein both the EPA and USACOE were present. However, I understand that you require the Tribe to make this request again and in writing. Please advise as to your availability for this consultation to proceed.

Thank you,

Jeanine



*Jeanine Bennett, Esq.*

**Miccosukee Tribe of Indians of Florida**

General Counsel, In-House

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